

UNITED STATE DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

STAR INSURANCE COMPANY,  
SAVERS PROPERTY & CASUALTY  
INSURANCE COMPANY, AMERITRUST  
INSURANCE CORPORATION and  
WILLIAMSBURG NATIONAL INSURANCE  
COMPANY,

Plaintiffs,

vs

Case No: 13-13807  
Honorable Victoria A. Roberts

NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA,

Defendant.

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**CORRECTED PRELIMINARY INJUNCTION**

Pursuant to Fed. R. Civ. P. 60(a), and on its own motion following discussion with counsel for the parties, the Court files this Corrected Preliminary Injunction.

This matter came before the Court on Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction. It was fully briefed. In an opinion issued September 12, 2013, the Court found:

1. It is likely that Plaintiffs will prevail on a breach of contract claim that the Arbitration Panel may be constituted in violation of the Treaty Agreement between the parties;
2. Plaintiff will suffer irreparable harm if the Arbitration Panel as currently constituted is allowed to continue making arbitration decisions until the allegation of *ex parte* communications between a Panel member and

Counsel for National Union can be explored; namely, injury to goodwill, reputation, business relations, and standing in the industry;

3. The public interest will be served while an investigation into this arbitration process is explored; and
4. The balance of harms warrants equitable intervention.

Accordingly, Plaintiffs' Motion for Preliminary Injunction is GRANTED with respect to this pending arbitration only.

1. Arbitrators Rex Schlaybaugh, Jonathan Rosen, and Thomas Greene, are enjoined from issuing any further orders, opinions or other decisions pending further Order of this Court;
2. The arbitrators are forbidden from engaging in *ex parte* communications with the parties and their agents.
3. This injunction binds:
  - a. The parties;
  - b. The parties' officers, agents, servants, employees and attorneys; and
  - c. Other persons who are in active concert or participation with anyone described in 3a or b, above.
4. No bond is required under Fed. R. Civ. P. 65(c).

This Order is entered on this 20<sup>th</sup> day of September at 12:25 pm.

SO ORDERED.

/s/ Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: 9/20/13